

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
AURELIUS CAPITAL PARTNERS, LP  
and AURELIUS CAPITAL MASTER, LTD.,

Plaintiffs

-against-

THE REPUBLIC OF ARGENTINA,

Defendant.  
-----X

:  
:  
: No. 07 Civ. 2715 (TPG)  
:  
:  
:

AURELIUS CAPITAL PARTNERS, LP  
and AURELIUS CAPITAL MASTER, LTD.,

Plaintiffs

-against-

THE REPUBLIC OF ARGENTINA,

Defendant.  
-----X

:  
:  
: No. 07 Civ. 11327 (TPG)  
:  
:  
:

BLUE ANGEL CAPITAL I LLC,

Plaintiff

-against-

THE REPUBLIC OF ARGENTINA,

Defendant.  
-----X

:  
:  
: No. 07 Civ. 2693 (TPG)  
:  
:  
:

Additional case captions on following page  
-----X

**SUPPLEMENTAL DECLARATION OF ERIN M. BRADICK**  
**IN FURTHER SUPPORT OF THE**  
**AURELIUS PLAINTIFFS' MOTION TO CONFIRM PRIORITY**

-----X	
NML CAPITAL, LTD.,	: No. 05 Civ. 2434 (TPG)
	: No. 06 Civ. 6466 (TPG)
Plaintiff	: No. 07 Civ. 1910 (TPG)
	: No. 07 Civ. 2690 (TPG)
-against-	: No. 07 Civ. 6563 (TPG)
	: No. 08 Civ. 2541 (TPG)
THE REPUBLIC OF ARGENTINA,	: No. 08 Civ. 3302 (TPG)
	: No. 08 Civ. 6978 (TPG)
Defendant.	:
-----X	
GMO EMERGING COUNTRY DEBT L.P.,	:
	:
Plaintiff	: No. 05 Civ. 10380 (TPG)
	:
-against-	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
-----X	
GMO EMERGING COUNTRY DEBT	:
INVESTMENT FUND PLC,	:
	: No. 05 Civ. 10382 (TPG)
Plaintiff	:
	:
-against-	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
-----X	
GMO EMERGING COUNTRY DEBT FUND,	:
	:
Plaintiff	: No. 05 Civ. 10383 (TPG)
	:
-against-	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
-----X	

ERIN M. BRADRICK, under penalty of perjury, declares that the following is


true:

1. I am an attorney duly admitted to practice law in the State of New York and an attorney at the firm Simpson Thacher & Bartlett LLP, counsel for Plaintiffs Aurelius Capital Partners, LP, Aurelius Capital Master, Ltd. and Blue Angel Capital I LLC (“Aurelius Plaintiffs”) in these actions.

2. I submit this supplemental declaration in further support of the Aurelius Plaintiffs’ motion pursuant to 28 U.S.C. § 1610(c) and Section 5234(b) of the New York Civil Practice Law and Rules (“CPLR”) to confirm priority over Argentine pension assets in the United States used for commercial activity, which this Court determined in an Opinion dated December 11, 2008 are available for attachment or execution under the Foreign Sovereign Immunities Act.

3. Attached hereto as Exhibit A is a true and correct copy of the Writ of Execution, dated October 30, 2008, directed to Citibank, N.A. on behalf of Plaintiff Blue Angel Capital I LLC.

Dated: February 4, 2009

  
Erin M. Bradrick

## **EXHIBIT A**

United States District Court  
SOUTHERN DISTRICT OF NEW YORK

JUDGMENT NO. 08,0693

DOCKET NO. 07 Civ. 2693 (TPG)

**THE PRESIDENT OF THE UNITED STATES OF AMERICA**  
*To the Marshal of the Southern District of New York, GREETING:*

YOU ARE COMMANDED, that of the goods and chattels of The Republic of Argentina, specifically as  
further described in the notice attached hereto,

in your district you cause to be made the sum of Two Hundred Twenty Nine Million Six Hundred Fifty Four Thousand  
Four Hundred Fifteen dollars and Zero cents, (\$ 229,654,415.00 )

which lately in the United States District Court of the United States for the Southern District of New York, in the Second  
Circuit, Blue Angel Capital I LLC

recovered against the said The Republic of Argentina

in an action between Blue Angel Capital I LLC

PLAINTIFF and The Republic of Argentina

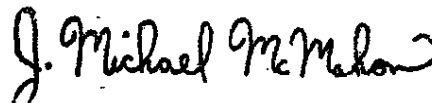
DEFENDANT, in favor of said Blue Angel Capital I LLC

as appears by the record filed in the Clerk's Office of said District Court on the 28th day  
of April, in the year of 2008

and if sufficient personal property of the said judgment debtor cannot be found in your District, that then you cause the  
same to be made out of the real property belonging to such judgment debtor on the above-mentioned day, or at any time  
thereafter, in whose hands soever the same may be, and return this execution within sixty days after its receipt by you, to  
the Clerk of said District Court.

WITNESS, the Honorable Kimba M. Wood, Chief Judge of the United States District Court, for the Southern  
District of New York, at the City of New York, on the 30th day of October in the  
year of our Lord 2008, and of the Independence of the United States the two hundred twenty-seventh  
year.

(year)



CLERK

United States District Court  
SOUTHERN DISTRICT OF NEW YORK  
Blue Angel Capital I LLC

-against-

The Republic of Argentina  
EXECUTION AGAINST PROPERTY

Simpson Thatcher & Bartlett LLP

Attorney for  
Blue Angel Capital I LLC

Borough of Manhattan  
City of New York

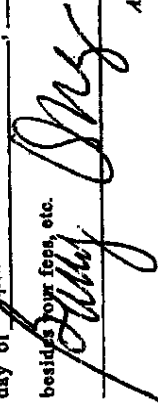
To the Marshal:  
You will levy and collect Two Hundred Twenty Nine  
Million Six Hundred Fifty Four Thousand

Four Hundred Fifteen (229,654,415.00) Dollars  
and Zero (0) cents,

with interest from the 28th

day of April, 2008

besides your fees, etc.



Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BLUE ANGEL CAPITAL I LLC	:	
	:	No. 07 Civ. 2693 (TPG)
Judgment Creditor	:	(Judgment Docketed on April 28, 2008)
	:	
-against-	:	
	:	
THE REPUBLIC OF ARGENTINA,	:	
	:	
Judgment Debtor.	:	

**NOTICE OF LEVY**

PLEASE TAKE NOTICE, that a levy by service of execution, a copy of which is herewith served upon you, is hereby made upon any and all property in your custody or control in the United States (whether real or personal, tangible or intangible, presently existing or hereafter arising) which could be assigned or transferred pursuant to N.Y. CPLR 5201, including but not limited to cash, deposits, real property, instruments, securities, security entitlements, security accounts, equity interests, claims, and contractual rights, and interests of any kind in the foregoing, held or maintained in the name of or for the use or benefit of:

- (i) Administración Nacional de Seguridad Social ("ANSES"); or
- (ii) any of the following Argentine Pension Funds ("Fondo de Jubilaciones y Pensiones", hereafter collectively referred to as the "FJP Funds"), which the Republic has announced plans to nationalize:
  1. The Argentine Fondo de Jubilaciones y Pensiones that is managed by Arauca Bit AFJP SA
  2. The Argentine Fondo de Jubilaciones y Pensiones that is managed by Consolidar AFJP SA
  3. The Argentine Fondo de Jubilaciones y Pensiones that is managed by Futura AFJP SA

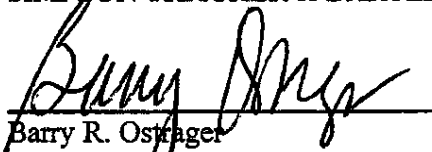
4. The Argentine Fondo de Jubilaciones y Pensiones that is managed by Máxima SA AFJP
5. The Argentine Fondo de Jubilaciones y Pensiones that is managed by Met AFJP SA
6. The Argentine Fondo de Jubilaciones y Pensiones that is managed by Nación AFJP SA
7. The Argentine Fondo de Jubilaciones y Pensiones that is managed by Orígenes AFJP SA
8. The Argentine Fondo de Jubilaciones y Pensiones that is managed by Previsol AFJP SA
9. The Argentine Fondo de Jubilaciones y Pensiones that is managed by Profesión+Auge AFJP
10. The Argentine Fondo de Jubilaciones y Pensiones that is managed by Unidos SA AFJP,

which are the subject of the restraining order issued by the United States District Court for the Southern District of New York (Griesa, J.) in the above-captioned action in October 2008.

For the avoidance of doubt and without limiting the foregoing, the property subject to this Notice of Levy shall include all securities beneficially owned by an FJP Fund or ANSES through an account maintained in the United States, regardless of where those securities are traded, the issuers located, or certificates representing those securities are ultimately held.

Dated: October 29, 2008

SIMPSON THACHER & BARTLETT LLP



Barry R. Ostrager  
([bostrager@stblaw.com](mailto:bostrager@stblaw.com))

Mary Kay Vyskocil  
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([trobinson@stblaw.com](mailto:trobinson@stblaw.com))

425 Lexington Avenue  
New York, New York 10017-3909



Phone: (212) 455-2000

Fax: (212) 455-2502

*Attorneys for Judgment Creditor Blue  
Angel Capital I LLC*

To: Citibank, N.A.  
399 Park Avenue  
New York, New York 10043

clg  
4/25/08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

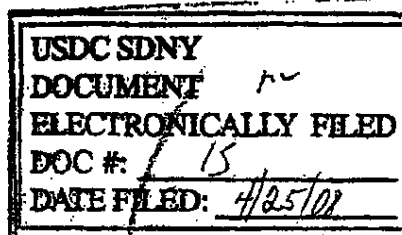
BLUE ANGEL CAPITAL I LLC,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.



07 Civ. 2693 (TPG)

~~Proposed~~ JUDGMENT

#08,0693

Plaintiff Blue Angel Capital I LLC having moved for summary judgment, and the matter having come before the Honorable Thomas P. Griesa, United States District Judge, and the Court, in its order entered April 7, 2008, having directed that summary judgment be entered in favor of plaintiff Blue Angel Capital I LLC in the amount of \$119,359,000, plus all accrued and unpaid interest thereon, including capitalized interest, and prejudgment interest as allowed by law, it is hereby

ORDERED, ADJUDGED, AND DECREED that plaintiff Blue Angel Capital I LLC recover from defendant the Republic of Argentina the amount of \$229,654,415; and it is further

MICROFILMED

APR 29 2008 -12 00 PM

ORDERED that, until further notice from the Court, plaintiff must refrain from selling or otherwise transferring their beneficial interests in the bonds involved in this action without advising the Court in advance and obtaining permission of the Court.

Dated: New York, New York  
April 25, 2008

ENTER:



United States District Judge

J. Michael McMahon,  
Clerk of Court

By: 

Deputy Clerk

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON 4/23/08

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF <b>Blue Angel Capital I LLC</b>		COURT CASE NUMBER <b>07 Civ. 2693 (TPG)</b>
DEFENDANT <b>The Republic of Argentina</b>		TYPE OF PROCESS <b>Execution</b>
<b>SERVE</b>  <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <b>Citibank, N.A.</b>	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <b>399 Park Avenue, New York, New York 10043</b>	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		
<b>Mr. Barry Ostrager</b> <b>425 Lexington Avenue</b> <b>New York, New York 10017-3954</b>		Number of process to be served with this Form - 285
		Number of parties to be served in this case
		Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):  
Fold

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER

**(212) 455-2000**

DATE

**1/13/09**

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No.	District to Serve No.	Signature of Authorized USMS Deputy or Clerk	Date
---	---------------	---------------------------	--------------------------	--	------

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service	Time	am
		pm
Signature of U.S. Marshal or Deputy		

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

PREVIOUS EDITIONS  
MAY BE USED

**5. ACKNOWLEDGMENT OF RECEIPT**

FORM USM-285 (Rev. 12/15/00)